

VZCZCXYZ0000  
OO RUEHWEB

DE RUEHGV #1170 3520814  
ZNY CCCCC ZZH  
O 180814Z DEC 09  
FM USMISSION GENEVA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0703  
INFO RUEHSW/AMEMBASSY BERN PRIORITY 8557  
RUEHTV/AMEMBASSY TEL AVIV PRIORITY 4667  
RUEHJM/AMCONSUL JERUSALEM PRIORITY 0911

C O N F I D E N T I A L GENEVA 001170

SIPDIS

IO/HR

E.O. 12958: DECL: 12/17/2019  
TAGS: [PHUM](#) [IS](#) [UNHRC](#) [UNAU](#) [KPA](#)  
SUBJECT: SWISS GENEVA CONVENTIONS CONSULTATIONS

REF: STATE 124856

Classified By: CDA Douglas M. Griffiths; Reason: 1.4(B), (D)

¶1. (C) SUMMARY: Expressing Switzerland's view that it has been "charged" by the UN General Assembly (UNGA) in its resolution on the Goldstone Report to start consultations on the convening of a conference of the High Contracting Parties (HCP) to the Geneva Conventions, Swiss Ambassador to the UN in Geneva, Dante Martinelli, relayed Switzerland's desire to seek input on the aim and objective of such a conference. Martinelli reiterated their intention for a conference based on a "constructive platform" and one that would not degenerate into a politicized discussion of one party or the other. Drawing from instructions (reftel A) Charge Griffiths told Martinelli that the United States opposed convening a conference, challenged the basis of a conference focused on only one conflict, and questioned Switzerland's goals. Martinelli asked for additional input by mid-January, so that it could report to the UN Secretary-General (UNSYG) by the end of January. END SUMMARY.

#### SWITZERLAND SEEKS VIEWS ON THE WHO, WHAT AND WHEN OF THE CONFERENCE

¶2. (C) Martinelli reported on his intent to consult with various delegations in Geneva, including Israel and the Palestinians along with "concerned parties" Egypt, Saudi Arabia, Syria, Pakistan for the OIC, Algeria for the Arab Group, the EU Presidency (both Sweden and Spain), representatives of the Arab League, the five regional group coordinators of the Human Rights Council, the ICRC, the UN High Commissioner for Human Rights, and the P-5 members of the UN Security Council. His mandate is to ask for input on three main questions: (1) Attendance -- Switzerland is exploring whether such a conference should be held at the Ministerial level, or best left to international human rights and humanitarian law experts; (2) Substance -- Switzerland is seeking input on the desired aim and specific outcome for the conference, as well as the concrete measures or mechanism that can be adopted to better implement the Conventions "on the ground"; (3) finally, Switzerland is also exploring the precise timing of such a Conference. On this last point, Martinelli emphasized the importance of the timing of the conference, which in their view would best be planned for the first half of 2010, possibly in June, to provide more time for the domestic investigations currently underway to conduct their work.

¶3. (C) The Charge presented Martinelli with USG views on such a conference. He also questioned Switzerland's role in holding consultations on whether to convene a conference, since Switzerland has already demonstrated its position in favor of a conference through its support of resolutions in both Geneva and New York. In addition, the Charge questioned

Martinelli's choice of "concerned countries" as it seemed heavily weighted toward critics of Israel. Martinelli refused to engage on our concerns, and merely stated that Switzerland had yet to decide its position. However, Martinelli said that Switzerland is optimistic that a good, constructive discussion of the issues - without "bashing each other" - is possible, and that he found throughout his initial consultations that most "concerned" parties were not focused on the political issues. On how they would square the absence of an explicit legal basis in the Geneva Conventions for convening a conference of HCP to focus specifically on a single conflict with the anticipated focus here, Martinelli responded that "like any HCP, we will do our homework on this and come back with ideas of our own in January." In response to the charge's criticism of the Goldstone report, Martinelli said that the report is "very balanced," and Concluded that it is a "good and honest report,"

¶4. (C) COMMENT: Martinelli insisted that Switzerland's own views on how to structure a conference based on a "constructive platform" are not very well advanced or considered. However, given Switzerland's vote for the UNGA resolution, and their positive perception of the Goldstone report, Switzerland seems too invested not only in the merits of the arguments that prompted such a recommendation in the first place, but also in their own role as depositary, to refrain from moving forward now. We are working with local delegations to ensure that Switzerland hears from a number of countries that share our opposition to convening a conference, so that Switzerland cannot claim widespread consensus. END COMMENT  
GRIFFITHS